



**STATE OF MONTANA
MONTANA DEPARTMENT OF TRANSPORTATION
JOB PROFILE**



Update



Formal Review

Date Submitted: 9/20/11

SECTION I - Identification

Working Title:

Attorney

Department:

Montana Department of Transportation

Job Code Number:

231118

Division & Bureau:

Director's Office

Job Code Title:

Lawyer

Section & Unit:

Legal Services

Pay Band:

8

Work Address:

2701 Prospect Avenue
Helena, MT 59620

Position Number:

70004, 21001

Phone:



FLSA Exempt



FLSA Non-Exempt



Non-Union



MPEA



Blue Collar

Profile Completed By:

Dave Ohler, Acting Chief Counsel

Work Phone:

444-6094

Work Unit Mission Statement or Functional Description:

The Director's Office is responsible for providing overall direction and control of the Montana Department of Transportation and assuring that overall Department goals, objectives, policies and standards are defined and accomplished. The Legal Services Unit is responsible for representing the Department in litigation in trial and appellate courts, reviewing and drafting legislation, rules and policies, and providing legal opinions to the director and agency managers. A large percentage of the litigation consists of trial work relative to eminent domain, contract claims, outdoor advertising control, environmental issues, motor fuels tax, and personnel matters.

Describe the Job's Overall Purpose:

This position has primary responsibility for providing legal counsel and agency representation for litigation in state and federal trial and appellate courts in an area of legal specialization required by the agency. Areas of specialization primarily include eminent domain, employment law, environmental law, water law, Indian law, administrative law, contract claims, motor fuels tax, and outdoor advertising control. The incumbent should have extensive knowledge of the Montana Administrative Procedures

Act, Montana and Federal Rules of Civil and Appellate Procedure, Montana and Federal Rules of Evidence, techniques and practice of legal research, writing, citation and documentation. Specific duties include casework/litigation, drafting and reviewing legislation, rule and policy analysis, and legal advice and opinions for the ongoing conduct of agency business. Position reports to the agency's Chief Legal Counsel.

SECTION II - Major Duties or Responsibilities

This section should be a clear concise statement of the position's major duties and the approximate percent of work time for each duty

% of Time

A. Agency Representation

65%

1. Represents department (including managerial/supervisory employees in their individual capacities) in state and federal district and appellate courts and before administrative forums including the State Tax Appeals Board, Board of Personnel Appeals, Human Rights Commission, and EEOC commission in actions related to the area of legal specialization required by the agency. Determines the agency's case or response and manages every aspect of the ensuing legal proceedings.
2. Plans and manages pre-trial preparation including preparing and issuing discovery, responding to requests for discovery, interviewing agency and opposing witnesses, preparing evidence.
3. Researches legal precedents, prepares and submits pretrial briefs and pleadings, including presenting pretrial arguments.
4. Presents agency's case at trial or hearing; examines and cross examines witnesses, and prepares proposed orders.
5. Consults with agency managers regarding trial strategy, settlement offers, appeals.
6. Appears before legislative committees to explain or clarify legislation.

B. Legal Advice and Consultation

30%

1. Provides legal advice and guidance to Director and agency managers regarding issues of practice in the area of legal specialization.
2. Drafts legal memoranda.
3. Prepares specific agency policies requested by Director or agency managers.
4. Reviews policies adopted by agency and other federal, state, local and tribal agencies for legality and to provide interpretations for management officials.
5. Reviews legislation enacted by the state(s) and federal governments and appellate decisions of the courts for impacts on the agency and proposes legislative corrections and responses.
6. Drafts legislation on behalf of the agency at request of director or agency managers; reviews legislation drafted by others and provides legal analysis and prepares amendments, if required.
7. Appears before legislative committees to explain or clarify legislation.
8. Negotiates right-of-way and other agreements with property owners and their attorneys.

C. Other Duties

5%

1. Attends continuing legal training seminars
2. Presents specialized legal training seminars in areas of legal specialization to other legal and administrative professionals.
3. Conducts/participates in special studies on behalf of the agency.

-
1. ***The following duties and/or specific tasks listed under section II above are considered "essential functions" because they require specialized expertise and skill and are the primary reasons the job exists (they must be performed by this position with or without accommodations):***

Duties A and B are considered essential functions of the job.

The following mental and physical demands are associated with these essential functions:

PHYSICAL

- Light lifting (less than 10 lbs.)
- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Operating a personal computer
- Effective, professional communication in writing, in person, and over the phone

MENTAL

- Mediating conflicts
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Comparing data
- Compiling information
- Analyzing
- Coordinating
- Negotiating
- Instructing

2. ***Does this position supervise others?*** ☐ Yes ☒ No

Number directly supervised:

Position Number(s) of those supervised:

3. ***Attach an Organizational Chart.***

SECTION III - Minimum Qualifications - List minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:

Extensive knowledge of Montana and US laws with an area of specialty such as contract law, employment law, environmental law, eminent domain, Indian law, and administrative law, extensive knowledge of the Montana Administrative Procedures Act; Montana Rules of Civil Procedure, appellate procedure, evidence, techniques and practice of legal research, writing, citation and documentation.

SKILLS:

This position requires excellent oral and written communication and negotiation skills.

Behaviors required to perform these duties:

See MDT Core Behaviors

Education:

Check the one box indicating minimum education requirements for this position for a new employee the first day of work:

- | | |
|---|--|
| <input type="checkbox"/> No education required | <input type="checkbox"/> Related AAS/2-years college/vocational training |
| <input type="checkbox"/> High school diploma or equivalent | <input checked="" type="checkbox"/> Related Bachelor's Degree |
| <input type="checkbox"/> 1-year related college/voc. training | <input type="checkbox"/> Related Master's degree |

Please specify the acceptable fields of study:

A Bachelor's degree and a Juris Doctorate degree from an accredited law school, licensure to practice law in the State of Montana and all state and federal courts, and one year of legal experience.

Other education, training, certification, or licensing required (specify):

Must have current licensure to practice law in the State of Montana.

Experience:

Check the one box indicating minimum work-related experience requirements for this position for a new employee the first day of work:

- | | |
|---|--|
| <input type="checkbox"/> No prior experience required | <input type="checkbox"/> 3 years |
| <input checked="" type="checkbox"/> 1 year | <input type="checkbox"/> 4 years |
| <input type="checkbox"/> 2 years | <input type="checkbox"/> 5 or more years |

Other specific experience (optional):

Experience representing a state, federal or local government agency in an area of legal specialization is preferred but not required.

Alternative Qualifications:

This agency will accept alternative methods of obtaining necessary qualifications.

- ☐ Yes ☒ No

Alternative qualifications include:

SECTION IV – Other Important Job Information

☐

Fingerprint check

☒

Valid driver's license

☐

Background check

☐

Other; Describe

- Normal office working environment
- Moderate overnight travel throughout the state
- Some irregular working hours when preparing for trial.

SECTION V – Signatures

Signature indicates this statement is accurate and complete.

Employee:

Name: _____ Title: _____

Signature: _____ Date: _____

Immediate Supervisor:

Name: _____ Title: _____

Signature: _____ Date: _____

Bureau Chief:

Name: _____ Title: _____

Signature: _____ Date: _____

Division/District Administrator:

Name: _____ Title: _____

Signature: _____ Date: _____

Department Designee:

HR Administrator / Designee

Signature: _____ Date: _____